

**Benchmark Ia.2.3:** Identify and consult with potential legislative sponsors, assist in drafting bills, attend legislative hearings, and support passage of bills through ongoing consultation.

**Evidence of Completion:** Legislative bills and/or summary of legislative consultations

### **2011 Wisconsin Act 181: Summary**

- Link to Act: <https://docs.legis.wisconsin.gov/2011/related/acts/181.pdf>
- All changes apply to both child welfare and juvenile justice cases (Chapters 48 and 938)
- Effective date November 1, 2012

The bill addresses three key areas to bring Wisconsin law into conformity with nationally recognized best practice and requirements for legislative change identified in the state's PIP:

#### Trial Reunification [Ref. ss. 48.358 and 938.358, Wis. Stats.]

- Defines a trial reunification as “a period of 7 consecutive days or longer, but not exceeding 150 days, during which a child who is placed in an out-of-home placement under s. 48.355 or 48.357 resides in a home of a relative of the child from which the child was removed or in the home of either of the child's parents for the purpose of determining the appropriateness of changing the placement of the child to that home.”
- Codifies the use of trial reunifications – establishing a procedure for the agency to propose and obtain a court order for a trial reunification, extend a trial reunification, or revoke a trial reunification:
  - Only the agency can make a request for a trial reunification, extension, or revocation.
  - Notice must be provided to all participants and the physical custodian within specified time periods.
  - A hearing is only required if one of the participants or the physical custodian objects to the trial reunification request, extension, or revocation.
  - The agency may immediately remove the child from the trial reunification if it is no longer in the child's best interests, but then the agency must follow revocation or change of placement procedures depending on whether the child is going to the previous or new out-of-home placement.
- The agency must do one of the following at the end of a trial reunification:
  - Return the child to the previous out-of-home placement with notice to the court and participants.
  - Request a change of placement to place the child in a new out-of-home placement.
  - Request a change of placement to reunify the child.
- Excludes the period of time that a child is under a trial reunification from the 15/22 month timeframe. Permanency and Safety planning, and permanency reviews and hearings, must continue while the child is in a trial reunification.
- Some adjustments to the current trial reunification policy (DSP Memo Series 2008-03) will be needed to conform to the new legal procedures.

### Concurrent Planning [Ref. ss. 48.355 (2b) and 938.355 (2b)]

- Creates a definition of concurrent planning: “appropriate efforts to work simultaneously towards achieving more than one of the permanency goals listed in s. 48.38(4)(fg)1. to 5. for a child who is placed in out-of-home care and for whom a permanency plan is required under s. 48.38(2).”
- Requires that the agency evaluate whether concurrent planning should be used based on standards issued by DCF (the revised Ongoing Services Standards).
- Establishes that when the Standards require the use of concurrent planning, the agency will be required to engage in concurrent planning unless the court or panel decides that concurrent planning is inappropriate.
- Establishes a process for court/panel review and approval of the concurrent permanency goal:
  - If the agency decides to engage in concurrent planning, the permanency plan must include the rationale for that determination and a description of the concurrent plan.
  - At the Permanency Review and Permanency Hearing, the court or panel will determine the appropriateness of having a concurrent goal, and determine the permanency goal and, if appropriate, any concurrent permanency goals.
- Makes a distinction between the “permanency goal” and “concurrent permanency goal,” and specifies that the court is only required to make the reasonable efforts finding on the permanency goal.

### Other Planned Permanent Living Arrangements (OPPLA)

[Ref. ss. 48.38 (4) (fg) 5., 48.38 (4) (fm), 938.38 (4) (fg) 5., and 938.38 (4) (fm), Wis. Stats.]

- Creates a separate section to distinguish the other permanency goals (e.g., reunification, adoption, or guardianship) from *other planned permanent living arrangements* (OPPLAs).
- Eliminates independent living as part of an OPPLA permanency goal.
- Requires that if OPPLA is identified as a goal, the goal must include an appropriate, enduring relationship with an adult (the adult can be someone other than a person who is part of the living arrangement – like a teacher at school or some other lifelong mentor).
- Requires that if OPPLA is the identified permanency goal, then there must be a concurrent plan towards achieving one of the other permanency goals.

### Other Changes

- Changes “court order” to “dispositional order” in ss. 48.38(5)(f) and 938.38(5)(f) to make it clear which court order is being referred to when determining whether a revision request is required based on the permanency review panel’s recommendations.
- Changes the titles of “Permanency Plan Hearing” and “Plan Review” to “Permanency Hearing” and “Permanency Review” in statute.